

TELECOMMUNICATIONS (SECURITY) BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Telecommunications (Security) Bill as brought from the House of Lords on 28 October 2021.
- 2 These Explanatory Notes have been prepared by the Department for Digital, Culture, Media and Sport in order to assist the reader of the Bill, and to help inform debate on the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords Amendments themselves, refer to HL Bill 15, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords Amendments.
- 5 Lords Amendments 1 to 3 were tabled in the name of the Minister.
- 6 Lords Amendment 4 was tabled by Baroness Merron, and was opposed by the Government.
- 7 Lords Amendment 5 was tabled by Lord Alton, and was opposed by the Government.
- 8 In the following Commentary, an asterisk(*) appears in the heading of any paragraph that deals with a non-Government amendment.

Commentary on Lords Amendments

Lords Amendments to Clause 3: Codes of practice about security measures etc.

Lords Amendment 1, 2 and 3

- 9 Lords Amendment 1 would amend Clause 3, applying a negative resolution procedure to the power to issue a code of practice under new section 105E of the Communications Act 2003. This amendment provides Parliament with a 40-day period in which they could choose not to approve the issuing of the draft code.
- 10 Lords Amendment 2 is consequential to Amendment 1, inserting subclause 2C that requires the Secretary of State to publish an issued code of practice.
- 11 Lords Amendment 3 inserts a definition of the “40-day period” into Clause 3.

Lords Amendments to after Clause 23

Lords Amendment 4*

- 12 Lords Amendment 4 would require the Secretary of State to report on the impact of the Government's diversification strategy on the security of telecommunications networks and services, and allows for a debate in the House of Commons on the report.

Lords Amendment 5*

- 13 Lords Amendment 5 would amend the Communications Act 2003 to require the Secretary of State to review the UK's security arrangements with a telecommunications vendor, and consider whether to issue a designated vendor direction or take similar action in respect of that vendor, where a Five Eyes partner has banned that vendor on security grounds.

Financial Effects of Lords Amendments

- 14 The Department does not consider that any of the Lords Amendments would give rise to significant expenditure.

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These Explanatory Notes relate to the Lords Amendments to the Telecommunications (Security) Bill as brought from the House of Lords on 27 October 2021 (Bill 179).

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